

REMARKS/ARGUMENTS

The Office Action mailed February 22, 2006 has been reviewed and carefully considered. Claims 1 and 3-20 are pending in this application, with claims 1, 14, and 18 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claim Amendments

Independent claim 1 is amended to recite “said packaging frame comprising a curvature-displaying compartment having at least two different ones of said artificial fingernails and means for retaining said at least two different ones of said artificial fingernails such that at least one of a c-curve and an arch height of each of said at least two different ones of said artificial fingernails is observable outside of said package through said transparent portion of said exterior portion”. Support for this limitation is found at paragraphs 0036 and 0040 of the specification; Figs. 5 and 6; and in original claim 2.

Dependent claims 3 and 5 are amended to be consistent with the amendments made to independent claim 1.

Claim 10 is amended to complete the claim which was inadvertently cut off in the version filed. It appears that all claims after claim 10 were inadvertently omitted. Accordingly, applicant now includes new claims 11-20.

Claim 2 is canceled without prejudice.

Rejection of Claims under 35 U.S.C. §112

Claim 10 stands rejected under 35 U.S.C. §112, second paragraph, as indefinite because it is incomplete. It appears that claim 10 as filed was inadvertently cut off mid sentence.

Claim 10 has been amended to be a complete sentence. Accordingly, the rejection of claim 10 should now be withdrawn.

Rejections of Claims over Prior Art

Claims 1-2, 5-6, and 9-10 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,982,551 (Bartolucci).

Claims 1-2, 5-6, and 8-10 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,106,614 (Aylott).

Claims 1, 4-5, and 9-10 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,791,482 (Murphy).

Claim 7 stands rejected under 35 U.S.C. §103 as unpatentable over Bartolucci or Aylott.

Claim 3 stands rejected under 35 U.S.C. §103 as unpatentable over Bartolucci or Aylott in view of U.S. Patent No. 4,282,975 (Ovadia).

Neither Bartolucci nor Aylott discloses an artificial fingernail package having “a curvature-displaying compartment having at least two different ones of said artificial fingernails and means for retaining said at least two different ones of said artificial fingernails such that at least one of a c-curve and an arch height of each of said at least two different ones of said artificial fingernails is observable outside of said package through said transparent portion of said exterior portion”, as now expressly recited in independent claim 1.

Bartolucci discloses a false fingernail kit having a plurality of false fingernail blanks 14 interconnected with a frame 16 (see col. 1, lines 51-58; and Fig. 1 of Bartolucci). The frame 16 is inserted in a carton 40 (col. 2, lines 26-31). The carton 40 has a window 47 which allows viewing of the fingernail blanks (col. 2, lines 43-48). However, only the tops of the fingernails are viewable

through the window (see Figs. 1 and 2). Accordingly, Bartolucci fails to disclose “a curvature-displaying compartment having at least two different ones of said artificial fingernails and means for retaining said at least two different ones of said artificial fingernails such that at least one of a c-curve and an arch height of each of said at least two different ones of said artificial fingernails is observable outside of said package through said transparent portion of said exterior portion”, as expressly recited in independent claim 1.

Aylott is similar to Bartolucci in that it discloses a plurality of nails 2 arranged in a box 10. Aylott further discloses a transparent portion 11 on the top and bottom of the box. This arrangement allows customers to place her finger under the aligned transparent sections 11 of the box to gauge size suitability. However, only the top or bottom of the artificial nails are viewable through the transparent windows. Accordingly, Aylott also fails to disclose “a curvature-displaying compartment having at least two different ones of said artificial fingernails and means for retaining said at least two different ones of said artificial fingernails such that at least one of a c-curve and an arch height of each of said at least two different ones of said artificial fingernails is observable outside of said package through said transparent portion of said exterior portion”, as expressly recited in independent claim 1.

Murphy fails to disclose “a packaging frame for storing a plurality of artificial fingernails of varying width” and “an exterior portion that houses said packaging frame”, “said packaging frame comprising a curvature-displaying compartment having at least two different ones of said artificial fingernails”, as recited in independent claim 1. Murphy discloses a packaged assortment of fingernails including a fingernail display package 11 formed by upper and lower walls 12, 13 (col. 2, lines 58-59 of Murphy). The upper wall 12 includes a deformed portion which forms a storage chamber 19 (col. 2, lines 62-67). Another portion 23 cooperates

with a portion 24 of the lower wall 13 to form a display compartment for one of the artificial nails 28 (col. 3, lines 1-10). Since Murphy discloses only two walls 12, 13, Murphy fails to disclose “a packaging frame for storing a plurality of artificial fingernails of varying width” and “an exterior portion that houses said packaging frame”, as recited in independent claim 1. Accordingly, Murphy also fails to disclose “said packaging frame comprising a curvature-displaying compartment having at least two different ones of said artificial fingernails”, as further recited in independent claim 1. According independent claim 1 is not anticipated by Murphy.

In view of the above remarks, independent claim 1 is allowable over the prior art of record.


New independent claims 14 and 18 each recite that a c-curve of at least two artificial nails is viewable from a front of the package. None of the prior art of record discloses this limitation. Accordingly, independent claims 14 and 18 are allowable.

Dependent claims 3-13, 15-17, and 19-20, each being dependent on one of independent claims 1, 14 and 18, are allowable for at least the same reasons described above with respect to independent claims 1, 14, and 18, as well as for the additional recitations contained therein.

In view of the above amendments and remarks, the application is now deemed to be in condition for allowance and notice to that effect is solicited.

Respectfully submitted,

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